

NURSING HOME ADMINISTRATORS

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CHAPTER 140
ADMINISTRATIVE AND REGULATORY AUTHORITY

645—140.1(155) Definitions. For the purposes of the board of examiners for nursing home administrators the following definitions apply:

“*Board*” means the Iowa board of examiners for nursing home administrators.

“*Board office*” means the office of the Iowa Board of Examiners for Nursing Home Administrators, Bureau of Professional Licensure, Iowa Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075.

“*License*” means a certificate issued to a person to practice as a nursing home administrator under the laws of this state.

“*Nursing home*” means any institution or facility, or part thereof, defined as such for licensing purposes under state law or pursuant to the rules for nursing homes established by the department of inspections and appeals, whether proprietary or nonproprietary, including but not limited to, nursing homes owned and administrated by the federal or state government or any agency or political subdivisions thereof.

“*Nursing home administrator*” means a person who administers, manages, supervises, or is in general administrative charge of a nursing home whether or not such individual has an ownership interest in such home and whether the functions and duties are shared with one or more individuals. A member of a board of directors, unless also serving in a supervisory or managerial capacity, shall not be considered a nursing home administrator.

645—140.2(155) Severability. Should any rule, paragraph, phrase, sentence or clause of any chapter of the rules of the board of examiners for nursing home administrators be declared invalid or unconstitutional for any reason, the remainder of the rules shall not be affected.

***645—140.3(155) Description and organization of the board.**

140.3(1) The board is composed of nine persons appointed by the governor as follows:

a. Four members shall be nursing home administrators, one of whom shall be an administrator of a nonproprietary nursing home.

b. Three members shall be persons who are licensed members of any of the professions concerned with the care and treatment of the chronically ill or elderly patients who are not nursing home administrators or owners.

c. Two members who are not licensed nursing home administrators and are not licensed persons under Iowa Code chapter 155 and who shall represent the general public.

140.3(2) The board shall have the duties and responsibilities as outlined in Iowa Code chapters 155, 272C, 17A, 21, 22, 68B and section 69.15.

*Prior to 9/13/95, see 645—140.2(135E)

140.3(3) A board administrator shall be designated within the professional licensure division, Iowa department of public health, who, under the direction of the board, is responsible for the administration of the policies and programs of the board and for operation of the board office.

140.3(4) Organization. At the first regularly scheduled meeting following May 1, the board shall:

- a. Elect a chairperson, vice-chairperson, and secretary-treasurer from its membership.
- b. Establish standing committees to include discipline committee, licensure committee, continuing education committee, and rules committee. The chairperson of the board shall appoint a chairperson of each committee.

An examination committee shall be comprised of all board members who are licensed nursing home administrators.

140.3(5) Meetings. The board shall:

- a. By June 1, prepare an annual schedule of regular meeting dates through June of the following year. Regularly scheduled meeting dates may be altered with a two-thirds vote of the members.
- b. Hold regularly scheduled meetings in Des Moines, Iowa.
- c. Hold special meetings called by the chairperson or upon the request of four members of the board to the chairperson or board administrator. Special meetings may be held by electronic means in accordance with Iowa Code section 21.8.
- d. Make available to the public the date, time and location of board meetings. Specific information may be obtained from the Board Administrator, Professional Licensure Division, Iowa Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075.
- e. Make available to the public the date on which board materials are due in the board office for the agenda of regularly scheduled meetings. Materials received three weeks prior to a scheduled board meeting shall be placed on the agenda. Materials from emergency or unusual circumstances may be added to the agenda with the chairperson's approval.
- f. Allow members of the public to be present during board meetings unless the board votes to hold a closed session.

(1) Anyone who has submitted materials for the agenda or whose presence has been requested by the board will be given the opportunity to address the board.

(2) At every regularly scheduled board meeting, time will be designated for public comment. During the time on the agenda labeled public comment, anyone may speak for up to two minutes per person. Request to speak at a later time for two minutes per person when a particular topic comes before the board should be made at the time of public comment and will be granted at the discretion of the chairperson. No more than ten minutes will be allotted to public comment at any one time unless the chairperson indicates otherwise.

(3) One who has not asked to address the board during the public comment may be recognized by the chairperson if one raises a hand. Acknowledgment and an opportunity to speak will be at the discretion of the chairperson.

g. Hold a closed session if the board voted to do so in a public vote with an affirmative vote of at least two-thirds of the total board.

h. Conduct meetings following Robert's Rules of Order.

i. Conduct business only if a quorum is present. A majority of this board shall constitute a quorum.

645—140.4(155) Availability of forms.

140.4(1) Copies of all forms and information may be obtained by writing to the Iowa Board of Examiners for Nursing Home Administrators, Iowa Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075.

140.4(2) Forms available include, but are not limited to:

- a.* Applications for examinations, reciprocity or provisional letter.
- b.* Application for renewal of license.
- c.* Application for reinstatement of license.
- d.* Continuing education attendance report.
- e.* Application for certificate of exemption for inactive practitioners.

These rules are intended to implement Iowa Code section 155.9.

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